

**IN THE SUPREME COURT OF NOVA SCOTIA**  
**Citation:** Gillott Estate v. Faulkner Estate, 2008 NSSC 332

**Date:** 20081028  
**Docket:** 299271  
**Registry:** Kentville

**Between:**

Stephen William Gillott, Executor of the Estate of Harry William Gillott and  
Daniel Rolland Gillott and Darlene Maxine Trefry, Executors of the Estate of  
Annie Maxine Gillott

Plaintiff

v.

The Estate of Mark Wade Faulkner, by his personal representative  
Donna (Faulkner) Sanford

Defendant

and

Donna Darlene Benjamin, Patricia Louise Benjamin and  
Jack Sheppard on behalf of the deceased, Justin William Benjamin

Applicant

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**Judge:** The Honourable Justice Charles Haliburton

**Heard:** October 28, 2008 at Kentville, Nova Scotia

**Written Decision:** November 13, 2008

**Subject:** Application - Section 10 of the *Fatal Injuries Act*

**Summary:** The applicant was seeking leave to amend the plaintiff's Statement of Claim to add the applicant as a plaintiff. The applicant was a passenger in the defendant's vehicle involved in an accident with the plaintiff's vehicle causing the death of the defendant and the applicant in the defendant's vehicle as well as the two plaintiffs in the other vehicle.

**Issue:** Does Section 10 of the *Fatal Injuries Act* mean that there is one

action for the death of all persons in one incident?

**Result:**

The applicant's application was denied. No costs.

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